

REMARKS/ARGUMENTS

Claims 1-70 are pending in the present application. In the Office Action mailed September 13, 2006, the Office Action rejected claims 1-70 under 35 U.S.C. § 103. Claims 1, 25, 43, 59 and 70 have been amended. A new claim, claim 71, has been added.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

I. Rejection of Claims 1-69 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-69 under 35 U.S.C. § 103(a) based on U.S. Patent No. 6,891,838 to Petite et al. (hereinafter, "Petite") in view of U.S. Patent No. 6,236,332 to Conkright et al. (hereinafter, "Conkright") and further in view of U.S. Publication No. 2003/0083078 to Allison. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 1 has been amended to recite, in pertinent part, “a customer identification stored in memory to identify a customer associated with the communications module.” Support for this amendment may be found in Applicants’ specification, page 12, lines 4-5. Claims 25, 43, and 59 have also been similarly amended.

Petite does not teach, disclose or suggest this claim element. Instead, Petite teaches:

In this way, a suitably configured application server 160 (FIG.2) in communication with the WAN 130 (FIG.2) may be provided RF transceiver/repeater 111 identification information, RF transmitter 115 identification information, and application specific data via the DCCMS 100.

Petite, col. 9, lines 59-63.

RF transceiver/repeater identification information and RF transmitter identification information does not teach or suggest “a customer identification . . . to identify a customer” because a transceiver/repeater and a transmitter does not suggest a customer. Petite states “[e]ach transmitter unit in a DCCMS 100 (FIG. 2) may be configured with a unique identification code (e.g., a transmitter identification number) 430a, that uniquely identifies the RF transmitter.” Petite, col. 12, lines 11-14. In addition, Petite teaches:

[T]he transmitter identification number 430a may be used to access a look-up table that identifies, for example, the residence, the system, and the particular parameter assigned to that particular transmitter. Additional information about that related system may also be provided within the lookup table, with particular functional codes associated with a corresponding condition or parameter, such as but not limited to, an appliance operating cycle, a power on/off status, a temperature, a position, and/or any other information that may be deemed appropriate or useful under the circumstances or implementation of the particular system.

Petite, col. 12, lines 39-50.

As indicated by this portion of Petite, the transmitter identification number is used to access a look-up table that identifies “the residence, the system, and the particular parameter assigned to that particular transmitter.” This does not teach, suggest or disclose “a customer identification . . . to identify a customer associated with the communications module.” The residence, system and parameter do not teach a customer as disclosed by Applicants. In fact, parameters are identified that

are “assigned to that particular transmitter.” A transmitter does not teach, suggest or disclose a customer.

Petite also teaches “[t]hus, one look-up table 525 may be provided to associate transceiver identification numbers 430b (FIGS. 4C, 4D) with a particular user.” Petite, col. 17, lines 44-46. As previously explained, transceiver and transmitter identification numbers are used to identify a particular transceiver, transmitter, residence, system or parameter. Here, Petite teaches that the look-up table “may be provided to associate transceiver identification numbers . . . with a particular user.” Thus, the look-up table associates a user with a particular transceiver. This does not teach, suggest or disclose “a customer identification . . . to identify a customer associated with the communications module.” The Office Action has asserted that the “the local gateway (110) is the communication module.” Fifth Office Action, page 3. As such, Petite does not teach that the look-up table associates a particular user with the local gateway, rather, the look-up table is used to “associate transceiver identification numbers . . . with a particular user.”

In addition, the Office Action asserts that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gateway of Petite in view of Conkright with the message queue of Allison for the purpose of message flow control, which is a well known feature of buffers.” Fifth Office Action, page 5. Applicants submit that these assertions alone do not constitute a valid motivation to modify or combine Petite and Allison.

The Office Action has failed to point to “some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” Id. The Petite reference relates to:

[A] computerized system for monitoring, reporting, and controlling residential systems via a multiple access wide area network, a gateway, radio-frequency transceivers and repeaters, and software applications to appropriately process and direct various data and control signals.

Petite, col. 1, lines 29-34.

Regarding the residential systems, Petite further teaches:

[A] residence 300 may be configured with a plurality of exemplary systems and devices, such as but not limited to, a pet feeder 310, a HVAC system 312, an exterior lighting system 314, an interior lighting system 316, a security system 318, an irrigation system 320, a plurality of motorized window shades 322, a plurality of utility meters 324, as well as, a plurality of home appliances 326.

Petite, col. 9, lines 21-27.

Petite teaches that information may be communicated from a computer to the residential systems via a local gateway. For example, Petite teaches:

It is significant to not that the transceiver/repeater 111b in communication with at least one sensor/actuator 112g may receive and communicate one or more command signal transmissions from a suitably configured computing device connected to the WAN 130 (e.g., the application server 160, a laptop computer 140, a workstation computer 150, etc..) via the local gateway 110 (FIG. 2).

Petite, col. 10, lines 53-59.

Petite suggests that the command signals control the residential systems. For example, Petite teaches “appropriately configured software in a WAN 130 interconnected computing device can be used to remotely configure a plurality of appropriately integrated window shades.” Petite, col. 10, lines 59-62. Petite further teaches:

The addition of the sensor/actuator 112 to the assembly permits the data controller 420 to apply particularized and encoded control signals to the manual temperature control for the temperature set point, the climate control mode switch, and the system on/off switch. In this way, a remote workstation 150 or laptop 140 with WAN 130 access (see FIG. 2) could control a home heating system from a remote location. Furthermore, an application server 160 in accordance with the DCCMS 100 of FIG 2 may be suitably configured to automatically control the HVAC system 312 (FIG. 3).

Petite, col. 15, lines 9-19.

Regarding the teachings of a computer controlling a residential system, Petite also teaches:

[E]ither the application server 160 or the client workstation 150 may include application software that would permit a user with access to the computing devices via the WAN 130 to remotely adjust the controls on a residential

HVAC system 312 by adjusting related functional controls on a graphical user interface (GUI) updated with feedback from the DCCMS 100 (FIG. 2).

Petite, col. 15, lines 42-49.

From the above cited passages, Applicants respectfully submit that the teachings of Petite are directed towards “controlling residential systems” by providing commands/messages to such systems. Alternatively, the Allison reference “relates to methods and systems for intercepting and discarding unwanted SMS messages at an SMS message routing node, thereby preventing the delivery of unwanted SMS messages to an SMS subscriber.” Allison, paragraph [0002], lines 4-8.

Regarding the prevention of delivery of unwanted SMS messages, Allison teaches:

As the popularity of portable wireless communication devices (e.g., mobile telephones, hand-held computing devices, etc.) continues to rise, it is anticipated that SMS messaging may become widely used as a retail advertising medium. As such, SMS subscribers may find themselves the constant target of unwanted SMS messages, often referred to as “spam” or “junk” messages. Spam SMS messages may be annoying to mobile subscribers.

Allison, paragraph [0015], lines 9-16.

Allison teaches that the unwanted messages are filtered by “an SMS message discriminator (MD) database that contains information used to determine whether a received SMS message is wanted by a called or receiving party.” Allison, paragraph [0016], lines 5-7. In addition, Allison teaches “[s]uch discrimination processing instructions may include an indicator that directs an SMS message to be discarded (i.e., not delivered to the intended addressee) or an indicator that directs an SMS message to be routed normally (i.e., delivered to the intended addressee).” Allison, paragraph [0016], lines 10-15.

As shown from the above passages, Allison is directed towards filtering “unwanted SMS messages.” The Office Action has failed to point to, and Applicants cannot find, a motivation to combine the teachings of Petite and Allison. As stated previously, Petite teaches “controlling residential systems.” There is no suggestion by Petite of any desirable reason to modify the teachings of Petite in order to filter unwanted messages being sent to the residential systems. There

is no suggestion by Petite that the residential systems are subject to “spam” or “junk” messages, which would necessitate the need to filter the messages being sent to the residential systems. Further, there is no teaching by Petite that messages being sent to the residential systems are used as a “retail advertising medium” which may require a filtering process to discard unwanted messages.

Petite never suggests that the residential systems should not receive each message. The teachings of Petite are directed towards “monitoring and remotely controlling residential systems.” Monitoring and controlling such systems requires that command signals reach the residential systems. As previously mentioned, and as is shown in Figure 3 of Petite, the residential systems include appliances, meters, shades, irrigation, security, interior lights, exterior lights, HVAC and feeders. If the filtering techniques taught by Allison were incorporated into Petite, messages of significance importance sent to the residential systems associated with security alarms, fire alarms, smoke alarms, etc. have the potential of being filtered out and discarded. Petite teaches that “security systems, smoke detectors, and related fire prevention systems exemplify household systems [and are] in need of real-time monitoring and control.” Petite, col. 2, lines 25-27.

Applicants submit that the above stated assertions by the Office Action (see page 14) alone do not constitute a valid motivation to modify or combine Petite and Conkright.

The Federal Circuit has stated that “[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight.” In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999). Furthermore, “hindsight reconstruction [cannot be used] to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” In re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988). As noted by the Federal Circuit in Ecologchem, Inc., v. Southern California Edison Company, 227 F.3d 1361, 1371 (Fed. Cir. 2000), “[o]ur case law makes clear that the best defense against hindsight-based obviousness analysis is the rigorous application of the requirement for a showing of a teaching or motivation to combine the prior art references. [Therefore,] when determining the patentability of a claimed invention which combines two known elements, ‘the question is whether there is something in the prior art as a whole to suggest the

desirability, and thus the obviousness, of making the combination.” Id. (quoting In re Beattie, 974 F.2d 1309, 1311-12 (Fed. Cir. 1992)). “Prior knowledge in the field of the invention must be supported by tangible teachings of reference materials, and the suggestion to combine references must not be derived by hindsight from knowledge of the invention itself.” Cardiac Pacemakers, Inc. v. St. Jude Medical, Inc., 381 F.3d 1371, 1376 (Fed. Cir. 2004).

Applicants submit that the Office Action has not provided any tangible teaching from any reference materials regarding the desirability of the combination of Petite and Conkright; rather the Office Action has merely derived its’ suggestion to combine Petite and Conkright from Applicants’ disclosure.

Additionally, Applicants submit that neither Petite nor Conkright provide any suggestion or motivation to modify or combine these two references. The Office Action has apparently argued that combining Petite and Conkright is motivated or suggested by “providing an alternative wireless means for remotely controlling and monitoring systems such as an HVAC system as taught by Conkright.” Third Office Action, page 3. However, the Office Action has not cited neither do Petite or Conkright disclose anything about the desirability of “an alternative wireless means.” Applicants have previously asserted throughout the prosecution of the present application that Petite does not provide any suggestion or motivation to combine Petite with any reference that discloses a paging module to make these rejected claims obvious. The Office Action has cited the following portion of Petite in response to this assertion:

The local gateway 110 may also include one or more mechanisms to facilitate network based communication with remote computing devices. For example, the gateway 110 may include a network card 526, which may allow the gateway 110 to communicate across a local area network to a network server, which in turn may contain a backup gateway 110 (not shown) to the WAN 130 (FIG. 2). Alternatively, the local gateway 110 may contain a DSL modem 528, which may be configured to provide a link to a remote computing system, by way of the PSTN 12 (FIG. 1). In yet another alternative, the local gateway 110 may include an ISDN card 530 configured to communicate via an ISDN connection with a remote system. Other communication interfaces may be provided as well to serve as primary and or

backup links to the WAN 130 or to local area networks that might serve to permit local monitoring of gateway 110 health and data packet control.

Petite, col. 18, lines 3-19.

Here, Petite teaches that “the gateway 110 may include a network card” or “[a]lternatively, the local gateway 110 may contain a DSL modem” or “[i]n yet another alternative, the local gateway 110 may include an ISDN card.” These teachings by Petite do not suggest that the gateway includes more than one mechanism to facilitate network based communications with remote computing devices. Petite merely teaches the gateway may include a network card or a DSL modem or an ISDN card. Petite does not suggest that the gateway may include a first mechanism and *in addition* a second mechanism to facilitate network based communications.

The Office Action asserts that Petite teaches that “[t]he gateway can also communicate with the WAN via one or more links. Conkright . . . teaches the use of a paging module to communicate with a computer.” Fourth Office Action, page 2. Petite teaches that the computers used to communicate with the gateway are an application server, a workstation or laptop. See Petite, Figure 2. Applicants respectfully assert that Petite does not suggest any motivation to include paging capabilities within the application server, the workstation or the laptop in order to establish a paging “backup link” with the gateway. Equipping large computing devices such as a server, workstation or laptop with paging capabilities is not practical in the computer industry. It is well known in the art that pages consists of small data files, which may be sent and received by relatively small computing devices. Including the capability to send/receive pages on servers, workstations or laptops is not considered standard practice in the industry. As such, it would not have been obvious to combine Petite with Conkright in order for the gateway of Petite to include a paging module in order to communicate with the computing devices through a paging network.

Petite also discloses that,

the data monitoring and control devices of the present invention need not be disposed in a permanent location as long as they remain within signal range of a system compatible RF communication device that subsequently is within signal range of a local gateway 110 interconnected through one or more networks to the application server 160.

Petite, col. 8, lines 33-39. However, there is no teaching or suggestion that the local gateway 110 is configured to communicate with the applications server 160 via two different types of communication networks. The vague reference to "one or more networks" certainly cannot be construed as such a teaching or suggestion. In fact, Petite discloses that "[i]n preferred embodiments of the network infrastructure, database servers in communication with the WAN store identification information related to each of the various transceivers along with appropriate codes suitable for a related application." Petite, col. 3, lines 20-24. Although Petite discloses that it is preferable to use the WAN in the network infrastructure, Petite does not disclose the desirability or even the use of both "a paging module...for communicating with a computer through a paging network" and "a modem...for communicating with the computer through a communications network," as recited in claims 1, 25, 43, and 59. Therefore, the Office Action has not cited, nor can Applicants find, any portion of Petite that teaches or suggests the desirability of a second form of communication, namely communication through a paging module. Consequently, the Office Action has not cited to any portion of Petite that provides a suggestion or motivation to combine Petite with a paging module.

The Office Action asserts that "Conkright teaches a paging module for communicating through a paging network" and that because "communication is conducted via a paging network...there will be a paging module." Fourth Office Action, page 4. The Office Action cited to the following portion of Conkright in support of this assertion: "Computer 22 also scans and processes new commands and communicates with the remote units 26 through a wireless paging network, for example." Conkright, col. 4, lines 7-10. This section of Conkright only teaches one form of communication, namely a wireless paging network. In fact, Applicants cannot find any portion of Conkright that teaches any other form of communication, let alone the desirability of a second form of communication, other than a wireless paging network. Because Conkright only teaches a wireless paging network and does not teach or suggest any desirability of a second form of communication, it does not provide a motivation or suggestion to combine or modify Conkright with Petite.

In addition, claim 1 has further been amended to recite, “wherein the computer is remotely located from the communications module.” Support for this amendment may be found in Applicants’ specification, page 6, lines 14-16 (forwarding messages over a network implies the computer is remotely located from the communications module). Support for this amendment is also found in Figures 1 and 2 of the present application. Claims 25, 43 and 59 have also been similarly amended.

Conkright teaches “[e]ach customer 24 is capable of communicating with the host computer 22 through the Internet 28, subscriber software 30, or through other communication media including, but not limited to, a direct dial-up phone line, facsimile, paging, e-mail, or even human-to-human contact.” Conkright, col. 3, lines 29-34. Conkright further teaches “[a] customer interface gateway 32 permits full duplex communication between the customer and host computer 22.” Conkright, col. 3, lines 44-45. As shown by Figure 1 of Conkright, the customer interface gateway 32 is part of the host computer 22 and there is a direct communications link between the customer interface gateway 32 and the server database 34. Conkright teaches that a “customer” is a human and not a device. Specifically, Conkright teaches “the customers 24 install the software on a personal computer (PC) at their home or office.” Conkright, col. 3, lines 35-37. As such, Applicants respectfully submit that these teachings of Conkright teach away from combining this reference with Petite. For example, Petite teaches “local gateways 110a and 110b may communicate information in the form of data and control signals to remote sensors/actuators 112 and remote sensors 114 from application server 160, laptop computer 140, and workstation 150 across WAN 130.” Petite, col. 7, lines 49-53. As previously stated, Conkright teaches that “[e]ach customer 24 is capable of communicating with the host computer 22 through the Internet 28.” Conkright, col. 3, line 29. Conkright teaches away from Petite because a “customer” as taught in Conkright does not suggest an “application server 160, laptop computer 140, and workstation 150.”

In addition, Figure 1, and the corresponding description from Conkright, teaches away from the present application. It is clear from Figures 1 and 2 of Applicants’ application that the computer is remotely located from the communications module. As such, Conkright teaches away from the

present application because a “customer” as taught by Conkright does not suggest a computer as taught by Applicants.

In view of the foregoing, Applicants respectfully submit that independent claims 1, 25, 43, and 59 are patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn.

Claims 1-6, 8-13, 15-17 and 19-24 depend either directly or indirectly from claim 1. Claims 26-33, 35-39 and 41-42 depend either directly or indirectly from claim 25. Claims 44-51, 53-56 and 58 depend either directly or indirectly from claim 43. Claims 60-69 depend either directly or indirectly from claim 59. Accordingly, Applicants respectfully request that the rejection of claims 1-6, 8-13, 15-17, 19-24, 26-33, 35-39, 41-42, 44-51, 53-56, 58 and 60-69 be withdrawn for at least the same reasons as those presented above in connection with claims 1, 25, 43, and 59.

Finally, with respect to new claim 71, claim 71 includes the claim elements of “a computer . . . comprising . . . a paging module . . . a modem . . . a message handler for reading and writing data to and from paging software . . . memory being programmed to periodically contact the communications module.” Support for these elements may be found in Applicants’ specification, pages 7-8, page 14, lines 24-25 and Figures 3-4.

Claim 71 further includes the claim elements of “a communications module . . . wherein the computer is remotely located from the communications module.” Support for this amendment may be found in Applicants’ specification, page 6, lines 14-16 (forwarding messages over a network implies the computer is remotely located from the communications module). Support for this amendment is also found in Figures 1 and 2 of the present application.

Neither Petite nor Conkright disclose, teach or suggest a computer comprising “a paging module . . . a modem . . . a message handler . . . [and] memory being programmed to periodically contact the communications module” as recited in claim 71. As previously explained, the teachings of Conkright teach away from combining this reference with Petite because Conkright does not teach, suggest or disclose “wherein the computer is remotely located from the communications module” as claimed by Applicants. Accordingly, as these claim elements are not disclosed by the

prior art, this claim is immediately allowable. Favorable consideration and allowance of this claim is respectfully requested.

II. Rejection of Claim 70 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 70 under 35 U.S.C. § 103(a) based on Petite in view of U.S. Patent No. 6,229,846 to Lassig et al. (hereinafter, "Lassig") and in further view of U.S. Publication No. 2003/0083078 to Allison et al. (hereinafter, "Allison"). This rejection is respectfully traversed. The standard to establish a *prima facie* case of obviousness is provided above.

Applicants respectfully submit that the claim at issue is patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in this claim.

Claim 70 has been amended to recite, in pertinent part, "a customer identification stored in memory to identify a customer associated with the communications module." Support for this amendment may be found in Applicants' specification, page 12, lines 4-5.

Petite does not teach, disclose or suggest this claim element. Instead, Petite teaches:

In this way, a suitably configured application server 160 (FIG.2) in communication with the WAN 130 (FIG.2) may be provided RF transceiver/repeater 111 identification information, RF transmitter 115 identification information, and application specific data via the DCCMS 100.

Petite, col. 9, lines 59-63.

RF transceiver/repeater identification information and RF transmitter identification information does not teach or suggest "a customer identification . . . to identify a customer" because a transceiver/repeater and a transmitter does not suggest a customer. Petite states "[e]ach transmitter unit in a DCCMS 100 (FIG. 2) may be configured with a unique identification code (e.g., a transmitter identification number) 430a, that uniquely identifies the RF transmitter." Petite, col. 12, lines 11-14. In addition, Petite teaches:

[T]he transmitter identification number 430a may be used to access a look-up table that identifies, for example, the residence, the system, and the particular parameter assigned to that particular transmitter. Additional information about that related system may also be provided within the lookup table, with

particular functional codes associated with a corresponding condition or parameter, such as but not limited to, an appliance operating cycle, a power on/off status, a temperature, a position, and/or any other information that may be deemed appropriate or useful under the circumstances or implementation of the particular system.

Petite, col. 12, lines 39-50.

As indicated by this portion of Petite, the transmitter identification number is used to access a look-up table that identifies “the residence, the system, and the particular parameter assigned to that particular transmitter.” This does not teach, suggest or disclose “a customer identification . . . to identify a customer associated with the communications module.” The residence, system and parameter do not teach a customer as disclosed by Applicants. In fact, parameters are identified that are “assigned to that particular transmitter.” A transmitter does not teach, suggest or disclose a customer.

Petite also teaches “[t]hus, one look-up table 525 may be provided to associate transceiver identification numbers 430b (FIGS. 4C, 4D) with a particular user.” Petite, col. 17, lines 44-46. As previously explained, transceiver and transmitter identification numbers are used to identify a particular transceiver, transmitter, residence, system or parameter. Here Petite, teaches that the look-up table “may be provided to associate transceiver identification numbers . . . with a particular user.” Thus, the look-up table associates a user with a particular transceiver. This does not teach, suggest or disclose “a customer identification . . . to identify a customer associated with the communications module.” The Office Action has asserted that the “the local gateway (110) is the communication module.” Fifth Office Action, page 3. As such, Petite does not teach that the look-up table associates a particular user with the local gateway, rather, the look-up table is used to “associate transceiver identification numbers . . . with a particular user.”

The Office Action also asserts that “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the gateway of Petite in view of Lassig with the message queue of Allison for the purpose of message flow control, which is a well known feature of

buffers.” Fifth Office Action, page 22. Applicants submit that these assertions alone do not constitute a valid motivation to modify or combine Petite and Allison.

The Office Action has failed to point to “some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” Id. The Petite reference relates to:

[A] computerized system for monitoring, reporting, and controlling residential systems via a multiple access wide area network, a gateway, radio-frequency transceivers and repeaters, and software applications to appropriately process and direct various data and control signals.

Petite, col. 1, lines 29-34.

Regarding the residential systems, Petite further teaches:

[A] residence 300 may be configured with a plurality of exemplary systems and devices, such as but not limited to, a pet feeder 310, a HVAC system 312, an exterior lighting system 314, an interior lighting system 316, a security system 318, an irrigation system 320, a plurality of motorized window shades 322, a plurality of utility meters 324, as well as, a plurality of home appliances 326.

Petite, col. 9, lines 21-27.

Petite teaches that information may be communicated from a computer to the residential systems via a local gateway. For example, Petite teaches:

It is significant to not that the transceiver/repeater 111b in communication with at least one sensor/actuator 112g may receive and communicate one or more command signal transmissions from a suitably configured computing device connected to the WAN 130 (e.g., the application server 160, a laptop computer 140, a workstation computer 150, etc.) via the local gateway 110 (FIG. 2).

Petite, col. 10, lines 53-59.

Petite suggests that the command signals control the residential systems. For example, Petite teaches “appropriately configured software in a WAN 130 interconnected computing device can be used to remotely configure a plurality of appropriately integrated window shades.” Petite, col. 10, lines 59-62. Petite further teaches:

The addition of the sensor/actuator 112 to the assembly permits the data controller 420 to apply particularized and encoded control signals to the manual temperature control for the temperature set point, the climate control mode switch, and the system on/off switch. In this way, a remote workstation 150 or laptop 140 with WAN 130 access (see FIG. 2) could control a home heating system from a remote location. Furthermore, an application server 160 in accordance with the DCCMS 100 of FIG 2 may be suitably configured to automatically control the HVAC system 312 (FIG. 3).

Petite, col. 15, lines 9-19.

Regarding the teachings of a computer controlling a residential system, Petite also teaches:

[E]ither the application server 160 or the client workstation 150 may include application software that would permit a user with access to the computing devices via the WAN 130 to remotely adjust the controls on a residential HVAC system 312 by adjusting related functional controls on a graphical user interface (GUI) updated with feedback from the DCCMS 100 (FIG. 2).

Petite, col. 15, lines 42-49.

From the above cited passages, Applicants respectfully submit that the teachings of Petite are directed towards “controlling residential systems” by providing commands/messages to such systems. Alternatively, the Allison reference “relates to methods and systems for intercepting and discarding unwanted SMS messages at an SMS message routing node, thereby preventing the delivery of unwanted SMS messages to an SMS subscriber.” Allison, paragraph [0002], lines 4-8.

Regarding the prevention of delivery of unwanted SMS messages, Allison teaches:

As the popularity of portable wireless communication devices (e.g., mobile telephones, hand-held computing devices, etc.) continues to rise, it is anticipated that SMS messaging may become widely used as a retail advertising medium. As such, SMS subscribers may find themselves the constant target of unwanted SMS messages, often referred to as “spam” or “junk” messages. Spam SMS messages may be annoying to mobile subscribers.

Allison, paragraph [0015], lines 9-16.

Allison teaches that the unwanted messages are filtered by “an SMS message discriminator (MD) database that contains information used to determine whether a received SMS message is wanted by a called or receiving party.” Allison, paragraph [0016], lines 5-7. In addition, Allison

teaches “[s]uch discrimination processing instructions may include an indicator that directs an SMS message to be discarded (i.e., not delivered to the intended addressee) or an indicator that directs an SMS message to be routed normally (i.e., delivered to the intended addressee).” Allison, paragraph [0016], lines 10-15.

As shown from the above passages, Allison is directed towards filtering “unwanted SMS messages.” The Office Action has failed to point to, and Applicants cannot find, a motivation to combine the teachings of Petite and Allison. As stated previously, Petite teaches “controlling residential systems.” There is no suggestion by Petite of any desirable reason to modify the teachings of Petite in order to filter unwanted messages being sent to the residential systems. There is no suggestion by Petite that the residential systems are subject to “spam” or “junk” messages, which would necessitate the need to filter the messages being sent to the residential systems. Further, there is no teaching by Petite that messages being sent to the residential systems are used as a “retail advertising medium” which may require a filtering process to discard unwanted messages.

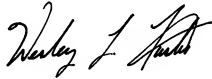
Petite never suggests that the residential systems should not receive each message. The teachings of Petite are directed towards “monitoring and remotely controlling residential systems.” Monitoring and controlling such systems requires that command signals reach the residential systems. As previously mentioned, and as is shown in Figure 3 of Petite, the residential systems include appliances, meters, shades, irrigation, security, interior lights, exterior lights, HVAC and feeders. If the filtering techniques taught by Allison were incorporated into Petite, messages of significance importance sent to the residential systems associated with security alarms, fire alarms, smoke alarms, etc. have the potential of being filtered out and discarded. Petite teaches that “security systems, smoke detectors, and related fire prevention systems exemplify household systems [and are] in need of real-time monitoring and control.” Petite, col. 2, lines 25-27.

In view of the foregoing, Applicants respectfully submit that claim 70 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 70 be withdrawn.

III. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', written in a cursive style.

/Wesley L. Austin/

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

Date: January 12, 2007

MADSON & AUSTIN
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700